

MINUTES
MANHATTAN BOARD OF ZONING APPEALS
City Commission Room, City Hall
1101 Poyntz Avenue
Wednesday, September 11, 2013
7:00 PM

MEMBERS PRESENT: Harry Hardy, Vice Chairperson; Connie Hamilton; Catherine Lavis; and Angie Danner

MEMBERS ABSENT: Ray Thompson

STAFF PRESENT: Chad Bunger, AICP, CFM, Planner II; Chase Johnson, Planning Intern

CONSIDER THE MINUTES OF THE AUGUST 14, 2013, BOARD OF ZONING APPEALS MEETING.

Lavis moved to approve the August 14, 2013 minutes, which passed on a vote of 4-0.

A PUBLIC HEARING TO CONSIDER FOR A CONDITIONAL USE TO ALLOW FOR OFFICES AND MEETING ROOMS ASSOCIATED WITH AN EDUCATIONAL USE AT 1021 DENISON AVENUE IN THE R-3/UO, MULTIPLE-FAMILY RESIDENTIAL DISTRICT AND UNIVERSITY OVERLAY DISTRICT. (APPLICANT/OWNER: KSU REAL ESTATE FUND, LLC)

A PUBLIC HEARING TO CONSIDER FOR A VARIANCE TO NOT BE REQUIRED TO INSTALL SIGHT OBSCURING SCREENING OF AN EXISTING OFF-STREET PARKING LOT LOCATED AT 1021 DENISON AVENUE IN THE R-3/UO, MULTIPLE-FAMILY RESIDENTIAL DISTRICT AND UNIVERSITY OVERLAY DISTRICT. (APPLICANT/OWNER: KSU REAL ESTATE FUND, LLC)

Bunger presented the Staff Reports together with a recommendation of approval for the Conditional Use with four (4) conditions and a recommendation of denial for the Variance.

Lavis discussed the area between the subject property and the fraternity in regards to the ownership.

Hamilton asked if the sign was still on the property. Bunger said that the sign had been taken down.

Hamilton asked if the staff considered just requiring screening for the lot on the west side of the parking lot. Bunger said that it was not considered but the board could modify the requirements.

Hardy opened the public hearing

Diane Deever, 1025 Quivera Circle, discussed how students use the west side of the parking lot as a walkway and stated that she didn't have any issues with the it being fenced or not.

Larry Fox, applicant, discussed how the university acquired the property and the future use of the building. Fox also said that it would be a tragedy to have to put up a fence to screen the southside of the property and the university would be willing to do something regarding the screening on the west side.

Lavis asked if the screening had to be a fence. Bunger said that the screening does not have to be a fence and could be landscaping.

Annette Rhoades, K-State facilities, discussed the plan for the building and said that the landscaping had been cleared recently.

Lavis asked if it was grounds or housing that would maintain the property.
The Board made the following findings of fact for the Conditional Use at 1021 Denison Avenue.

Hardy closed the public hearing.

Hamilton said that she could support the conditional use and that she would be inclined to require screening on the westside of the parking lot.

Lavis agreed with Hamilton and said that she would prefer screening on the southside of the parking lot.

Hamilton said that the screening requirement is not to beautify but to screen the parking lot and she would like to have the option for the screening not to be as high.

Hardy said that he agrees on the screening for the west side of the parking lot and is inclined to not require screening on the southside.

Bunger said that the hardship would have to be addressed and that the staff could not come up with a hardship for not requiring the screening for the property. Bunger cautioned the logic of not requiring screening for a parking lot just because it is adjacent to another parking lot and that things change in term of use.

Hamilton said that she understands the words of caution but the grandfathering of the property is there and the hardship would have to be that the fencing isn't necessary under the circumstances.

Bunger said that the property is changing use and the conditions are changing so the hardship would be necessary.

Hardy said that technically the use is changing but it is not changing drastically. He said that the same types of administrative work will be taking place on the property.

Bunger said that the hardship needs to be thoughtfully considered along with the intent.

Danner said that she can support the conditional use and that it seems logical that there would be screening required for the parking lot. Danner said she is not seeing the hardship either.

Hardy said that the only way he can make a hardship is to consider the use as a grandfather since the use is not changing that much.

Hamilton asked for clarification in regards to if a partial variance was granted for the southside of the parking lot nothing would preclude the applicant of putting up the screening if they saw a need to do so. Bunger said that they would be able to add screening to the southside even if they were granted a variance.

Bunger discussed possibilities for a compromise for the screening height requirements as it applies to the southside of the parking lot.

Hamilton said that a compromise would work in her opinion and then discussed some of the details.

Hardy said that he could agree with a compromise for the screening on the southside.

Rhoades discussed possibilities for different options in regards to the screening of the southside of the parking lot.

Hamilton asked about tabling the variance in order to set up a landscaping plan for the southside of the parking lot. Rhoades said that this would be possible and asked about the height requirement at the time of installation.

Bunger said that City staff would work with the applicant on the landscape plan and then he discussed the timeline for the next meeting.

PRESENT USE: Vacant building, formerly the Ecumenical Campus Ministry Center

STANDARDS FOR A CONDITIONAL USE

A. Compliance with all applicable regulations: The proposed use of a testing center, offices and meeting space requires a Conditional Use.

The building on the subject site conforms to all building setback requirements. The application documents states that the northeast off-street parking space, encroaches approximately six (6) feet into the front yard setback along Denison Avenue. This parking space is a handicap accessible space for vans. The actual parking space is behind the minimum required front yard setback. Only the approach and accessible access area is located within the front yard setback. City Administration has determined that this is allowed. All off-street parking spaces are in conformance with the minimum requirements of the Zoning Regulations.

The off-street parking lot is not adequately screened from the residential property to the south or the west. The west property line is partially screened by dense vegetation on the adjacent property. It appears that this vegetation is created by volunteer trees, bushes and brush, not manicured landscaping that could be considered adequate over a long period of time. Adequate screening exists on the north side of the subject site. The north property line has a six (6) foot tall sight obscuring wooden fence. It appears that this fence is on the adjacent property to the north. The applicant has applied for a Variance to not be required to provide the appropriate screening on the south property line

B. Probable effect on adjacent properties: The subject site and the properties to the north, west and south are zoned R-3/UO, Multiple-Family Residential District and University Overlay District. To the east is the Kansas State University campus. The most immediate building on campus is the engineering complex. The adjacent properties consist of single-family, two-family and Greek housing. The majority of the single-family residential uses are rental properties.

An increase in light, noise and traffic is anticipated. The subject site was used as office and meeting space for a campus ministry for over fifty (50) years. The previous use had several meetings during the day and evening hours, including on the weekends. The application documents state that these meetings had up to 100 participants. The proposed use will be similar to the previous use in that it will conduct business and meetings during the day, and possibly during the weekend. The proposed testing center will allow a variety of computer oriented tests to be given to Kansas State University students and other professional entities. It can be anticipated that a majority of the 49 testing spaces will consistently be used. The proposed use will also provide office space for not only the testing center administration, but also for graduate students of the Engineering Program at Kansas State University. It is not anticipated that the proposed use will have more than the "historical occupant loads" of the previous use.

With Kansas State University campus adjacent, it is likely that the majority of users of the testing center and the office spaces will be students. However, clients from outside of the

university could also use the facility for testing and meeting purposes. The number of outside customers of the testing center is unknown. The applicant's state "From an outward appearance, the use will have little to no change." Because of these factors, minimal adverse impacts on adjacent properties are anticipated.

The applicant held a neighborhood meeting on July 25, 2013. The applicants explained the project and proposed Conditional Use. Four (4) individuals from the surrounding properties attended the meeting. All four (4) individuals signed a form letter expressing their support for the proposed use on the subject site.

C. Domination by use over neighboring properties:

- 1. Location, nature, and height of physical improvements:** The existing building on the subject site is one-story with a partial basement. No changes to the exterior of the existing building is proposed.
- 2. Landscaping and screening:** The subject site consists of grass lawn areas and landscape beds at the entrance to the building along Denison Avenue. The bulk of the subject site consists of the building and the off-street parking lot.

The twenty-nine (29) space off-street parking lot requires sight-obscuring screen not less than six (6) feet in height to screen the parking lot from adjacent residential uses. The subject site has no sight-obscuring screening fences for the off-street parking lot. The rear yard of the adjacent property to the southwest appears to have dense vegetation that is created by volunteer trees, bushes and brush, not manicured landscaping that could be considered adequate over a long period of time. A Variance has been requested to not provide the sight-obscuring screen, as required.

The existing trash enclosure does not have a gate to completely enclose the area. Because this use is very similar to a commercial use, a full trash enclosure should be provided. City Administration is recommending that the trash can or dumpster area be completely enclosed, including a gate.

D. Adequate provision of parking and loading: The applicant has calculated the off-street parking requirements for the mix of office and the testing center. The proposed office use (4,983 square feet) was calculated using the parking ratio for Business and Professional Office of one (1) space for 300 square feet of usable floor area (minus restrooms, hallways and storage). Seventeen (17) spaces are required for that use. The parking ratio for Auditoriums, gymnasiums and other places of assembly with fixed seating is one (1) parking space for each four (4) seats. Forty-nine seats are proposed, which requires twelve (12) off-street parking spaces.

The application site plan shows a paved parking lot with twenty-nine (29) spaces that conform to the minimum requirements of the City's Off-Street Parking Lot Configuration Standards.

The amount of off-street parking meets the minimum number of required spaces for the proposed mix of uses.

E. Adequate provision of drainage, and other public utilities: The site generally drains to the east to Denison Avenue, where the stormwater runoff is collected in the City's stormwater sewer system. Other public utilities are adequate for the proposed use.

F. Adequate provision of access: Vehicular access is provided off of Denison Avenue to the east. Pedestrian access is provided by an existing sidewalk along Denison Avenue. Access to the subject site is adequate.

Hamilton made a motion to approve a Conditional Use to allow for offices and meeting rooms associated with an educational use at 1021 Denison Avenue in the R-3/UO, Multiple-Family Residential District and University Overlay District, with the following conditions of approval:

1. The Conditional Use shall apply only to the offices and meeting rooms associated for Testing Programs and Services Center and Engineering Graduate Student Offices of Kansas State University as described in the application documents and shown on the site plan and building floor plans.
2. The subject site shall be developed as proposed.
3. The trash dumpster shall be enclosed and screened by a six (6) foot tall, wooden or plastic sight-obscuring screening fence with gate
4. All applicable permits shall be issued.

Danner seconded the motion, which passed by a vote of 4-0.

The Board made the following findings of fact for the Variance at 1021 Denison Avenue

PRESENT USE: Vacant building, formerly the Ecumenical Campus Ministry Center

CONDITIONS UNIQUE TO THE PROPERTY: The existing structure was built in 1960 as a campus ministry. Several other multiple-family dwellings and fraternities were built in the immediate area during approximately the same time. Some of these uses do not provide the needed screening, as currently required. The Zoning Regulations at the time of construction for these properties did not mandate off-street parking lots to be screened as they are required to do today. The regulation to provide for sight-obscuring screening was not adopted until 1969. These conditions on the subject site and surrounding properties in the immediate area are considered to be legally nonconforming or "grandfathered." However, the proposed change of use to offices and meeting rooms associated with Kansas State University, and the need for the Conditional Use, requires that the subject site is, or be brought into conformance with the Zoning Regulations or seek relief from the Board of Zoning Appeals. Because other uses in the area without the required screening are not altering or changing the use, they are not required to provide the needed screening. Other than the grandfathered condition for the lack of screening of the parking lot, there appears to be no unique condition

of the property that would prohibit the installations of the required sight-obscuring screening fence.

PROBABLE EFFECT ON ADJACENT PROPERTIES: The subject site and properties to the north, west and south are zoned R-3/UO, Multiple-Family Residential District and University Overlay District. To the east is the Kansas State University campus. The most immediate building on campus is the engineering complex. The adjacent properties consist of single-family, two-family and Greek housing. The majority of the single-family residential uses are rental properties.

The existing building and off-street parking lot has been in its current location since 1960 when the building was built as a campus ministry center. It is evident that the lack of screening of the existing parking lot has not adversely impacted the adjacent properties. Immediately to the south is the Sigma Alpha Epsilon fraternity. The fraternity has angled parking located adjacent to the off-street parking lot on the subject site. Beyond the off-street parking on the fraternity's property is a large grass front lawn. The majority of the parking lot area that requires sight-obscuring screening on the subject site is adjacent to a parking lot on the neighbor's property. The southeast area of the parking lot directly faces the fraternity house; however no residential rooms are located in this area of the house. It is evident that this area is a stairwell leading to the upper floors of the fraternity.

The applicant held a neighborhood meeting on July 25, 2013. The applicants explained the project and proposed Conditional Use. Four (4) individuals from the surrounding properties attended the meeting. All four (4) individuals signed a form letter expressing their support for the proposed use on the subject site.

The properties most likely impacted by the lack of screening are to the immediate west. Both of these properties are two-family dwellings. There is dense vegetation in the rear yard of the dwellings to the southwest. It appears that this vegetation consists of volunteer trees, bushes and brush; not manicured landscaping that would adequately meet the definition of sight-obscuring screening. If the rear yard of this property was maintained, the property would most likely not be screened from the vehicles in the parking lot on the subject site. There is no screening fence for the property to the immediate west of the subject site.

UNNECESSARY HARDSHIP FROM STRICT APPLICATION OF REGULATIONS: The strict application of the regulation would be to screen the off-street parking lot along the south and west property lines. There appears to be no physical constraints of the subject site that would prevent the construction of sight-obscuring fences. The plat of the zoning lot shows a three (3) foot easement running along the south, west and north property lines. It is unknown what private or public utilities are located within this easement. Fences that are six (6) feet or less in height are allowed to be constructed in utility easements, with the understanding that if access to the easement is needed, the fence will be removed at the owner's expense. Fences are located throughout the City in this manner.

The application documents state that "a secure environment for the building's patrons is paramount to developing aesthetic screening adjacent properties. Adjacent properties are

residential with predominately student occupants, who walk through the area to campus and back. Their safety is important.” City Administration is unaware of safety issues created by the requirement of sight-obscuring screening fences. Several properties in the area have the required screening and it appears that no safety issues are generated by the requirements.

EFFECTS ON PUBLIC HEALTH, SAFETY, MORALS, ORDER, CONVENIENCE, PROSPERITY, OR GENERAL WELFARE: The application documents states by “not providing the screening will create a more open, safer environment.” As previously stated, City Administration is unaware of any safety issues created by requiring screening fences of off-street parking lots. Denison Avenue is a well lit, heavily traveled collector street. The location of the subject site should not be subject to more safety issues compared to other areas around campus that has the same screening requirements.

Requiring that the sight-obscuring screening be installed would benefit the public health, safety, and general welfare. Providing screening would create a consistent order found in nearby properties and areas around the City, including residential areas near the campus. The screening will also shield adjacent properties from vehicular traffic generated by the new use on the subject site.

As previously described, there are, three (3) foot platted utility easements along the side and rear of the zoning lot. It is unknown what private or public utilities are located within this easement. Fences that are six (6) feet or less in height are allowed to be constructed in utility easements, with the understanding that if access to the easement is needed, the fence will be removed at the owner’s expense. Fences are located throughout the City in this manner. The construction of a sight-obscuring screening fence would not adversely impact the general public.

RELATIONSHIP TO INTENT OF REGULATIONS:

The intent of the regulations to require sight-obscuring screening of off-street parking lots, containing six (6) or more parking spaces, from adjacent residential uses is to minimize the adverse impacts of the use and vehicular traffic on the residential uses. The adverse impacts would be in the form of increase in noise from a concentration of vehicles, vehicle headlights shining into residential uses and the sight of more vehicles that would not be customarily found in residential areas.

The previous use of a campus ministry center was established in 1960, prior to the screening requirement being adopted in 1969. It is apparent that the unscreened parking lot of the previous use has not cause a substantial adverse impact on adjacent properties. City Administration has evaluated the proposed use of the offices and meeting rooms associated with an educational use for the Conditional Use request. The staff report indicates that the proposed use is similar in nature to the previous use; should not adversely impact the adjacent property and has recommended approval of the Conditional Use request. Although City Administration has recommended approval of the proposed use, the required screening should be installed to completely meet the intent of the regulations and to lessen the possibility that the proposed use of offices and a testing center will adversely impact the adjacent properties.

Hamilton made a motion to table the VARIANCE to not be required to install sight obscuring screening of an existing off-street parking lot located at 1021 Denison Avenue in the R-3/UO, Multiple-Family Residential District and University Overlay District.

Danner seconded the motion, which passed by a vote of 4-0.

A PUBLIC HEARING TO CONSIDER AN EXCEPTION TO ALLOW FOR THE REDUCTION OF THE MINIMUM REQUIRED FRONT YARD SETBACK FROM FOURTEEN (14) FEET TO EIGHT (8) FEET ALONG PIERRE STREET FOR A PROPOSED RENOVATION AND EXPANSION OF AN EXISTING COVERED PORCH LOCATED AT 1325 PIERRE STREET IN THE R-1/TNO, SINGLE-FAMILY RESIDENTIAL DISTRICT AND TRADITIONAL NEIGHBORHOOD OVERLAY DISTRICT. (APPLICANT/OWNER: DON CONNET)

Bunger presented the Exception Staff Report with a recommendation of approval of the item with three (3) conditions.

Hamilton asked if the deck will be elevated. Bunger said it would be and then presented an additional elevation plan.

Hamilton asked if the steps would be outside of the proposed eight (8) foot setback. Bunger allowed the applicant to answer the question regarding the steps.

Don Connet, applicant, discussed the site plan.

Hardy said that if the steps come out past the exception to eight (8) the property would non-conforming.

Connet said that he can build it so that the entire deck including the steps would be outside of the exception request of a minimum eight (8) foot setback in order to conform to the regulations.

Hamilton said that she is also concerned about enclosing the deck and that the board has seen the misuse of screened in porches

Hardy opened the public hearing

Connet discussed that the plans for the update to the porch and that he is willing to adjust as needed.

Hardy closed the public hearing

Lavis expressed her support.

Danner gave her support for the project.

Hamilton asked if the regulations would allow for the first step to be constructed so that it wasn't connected to the rest of the porch. Bunger explained the zoning regulations and said that it would still be considered attached.

The Board made the following findings of fact for the Exception at 1325 Pierre Street

PRESENT USE: Single-family home

COMPLIANCE WITH ALL APPLICABLE REGULATIONS: The subject site complies with all applicable regulations, other than for what the Exception requests are for. The existing house sits eighteen (18) feet from the front property line along Pierre Street. The old covered porch, prior to it being removed was approximately eight (8) feet from the front property line. The new porch will have the same front yard setback, but will be wider than the previous porch.

PROBABLE EFFECT ON ADJACENT PROPERTIES: The subject site and surrounding properties are zoned R-1/TNO, Single-Family Residential District and Traditional Neighborhood Overlay District. The area is a mix of single-family and two-family dwellings, with a combination of owner-occupied and rental units.

The proposed covered porch and deck should not adversely impact adjacent properties. The old covered porch was located approximately eight (8) feet from the Pierre Street front property line. The old porch was approximately fourteen wide. The applicant is proposing to construct a wider, but not deeper covered front porch with a deck, but will maintain the same front yard setback as the old covered porch. The new covered porch will be approximately twenty-two (22) feet wide and include a gabled roofline and a railing with lap siding identical to the rest of the house. Because the new porch will not encroach further into the front yard setback and will be an upgrade to the existing house by providing a more substantial front porch and deck, the proposal should only enhance the property and surrounding neighborhood.

EFFECTS ON PUBLIC HEALTH, SAFETY, MORALS, ORDER, CONVENIENCE, PROSPERITY, OR GENERAL WELFARE: The proposed covered porch and deck should not adversely affect on the public health, safety and general welfare. The proposed covered porch will not encroach further into the front yard setback that what was previous porch did, thus not further impacting the visual front yard along Pierre Street. The proposed porch will not impact any utility easements or vision triangles on the property

THE STRICT APPLICATION OF THESE REGULATIONS IS UNREASONABLE, OR UNNECESSARY WHEN ALL FACTS AND CIRCUMSTANCES ARE CONSIDERED: The existing development is setback approximately eighteen (18) feet from the front property line along Pierre Street. The minimum front yard setback is fourteen (14) feet. The strict application of front yard setback regulations would limit the new covered porch and deck to approximately four (4) feet in depth to maintain the required setback. As stated, the subject site had a covered porch that extended approximately nine (9) feet from the house and

established an eight (8) foot front yard setback on the subject site. The applicant is proposing to construct a new covered porch and deck that would be the same depth as the previous porch, but would be twenty-two (22) feet wide, eight (8) feet wider than the previous porch. Considering that the proposed porch will not encroach further into the front yard setback than the previous porch and will enhance visual appearance of the existing house, the strict application appears to be unreasonable.

Hamilton made a motion to approve an EXCEPTION to allow for the reduction of the minimum required front yard setback from fourteen (14) feet to eight (8) feet along Pierre Street for a proposed renovation and expansion of an existing covered porch located at 1325 Pierre Street in the R-1/TNO, Single-Family Residential District and Traditional Neighborhood Overlay District., with the following conditions of approval:

1. The Exception request shall be limited to the proposed covered front porch and deck as explained in the application and shown on the site plan.
2. The subject site shall be developed as proposed.
3. All applicable permits shall be obtained.
4. The porch will not be enclosed.

Danner seconded the motion, which passed by a vote of 4-0.

A PUBLIC HEARING TO CONSIDER VARIANCES TO ALLOW FOR TWO SEPARATE INTERNALLY ILLUMINATED GROUND SIGNS TO BE LOCATED AT 2001 CLAFLIN ROAD ALONG SUNSET AVENUE AND ADDITIONALLY ALONG CLAFLIN ROAD IN THE R-3/U-O, MULTI-FAMILY RESIDENTIAL DISTRICT WITH A UNIVERSITY OVERLAY DISTRICT. (APPLICANT: THOMAS SIGNS, CO. ON BEHALF OF PAWNEE MENTAL HEALTH SERVICES OWNER: RILEY COUNTY)

Johnson presented the Variance Staff Report with a recommendation of approval of the item with two (2) conditions.

Hardy opened public hearing. The applicant was present.

Hardy closed public hearing.

The board expressed their support. Hamilton discussed that she can support the application because of the limited impact on residential uses. She also expressed her concerns about the potential of these types of signs expanding out of the general neighborhood.

Bunger said that the staff is currently updating the sign regulations and internally illuminated signage is an example of the items being looked at.

The Board made the following findings of fact for the Variances at 2001 Claflin Road.

PRESENT USE: Pawnee Mental Health Services

CONDITIONS UNIQUE TO THE PROPERTY: Pawnee Mental Health Services is an institutional building that is sited on a large 3.37 acre lot within R-3/UO, Multiple-Family Residential District and University Overlay District. The large corner lot is not unique to the immediate area, but is unique to the R-3/UO, Multiple-Family Residential District with University Overlay District. Considering the zoning district it falls under, the fact that the proposed signs serve as identification signs for an institution located on a large lot acts as a unique condition to the property. In addition, the proposed signs are merely improving an already existing internally illuminated sign and replacing an existing sign, due to vandalism, with an internally illuminated sign without change to its size or shape. Both signs have been in existence without any known complaints.

PROBABLE EFFECT ON ADJACENT PROPERTIES: The properties immediately to the north of the subject site across Claflin Road are zoned R-1, Single-Family Residential District. Properties immediately to the east across Sunset Avenue are zoned U, University District. Properties to the south of the subject site are zoned R-3/UO, Multiple-Family Residential District with University Overlay District. Additionally, properties immediately to the west across Charles Little Road are also zoned R-3/UO, Multiple-Family Residential District with University Overlay District. The block west of the subject site consists of one large lot containing two buildings occupied by the Riley County Health Department.

The internally illuminated sign located northeast of the Pawnee Mental Health Services building facing mainly residential uses has been in place for an unknown amount of time without any identified complaints. The sign located along Sunset Avenue is proposed to be facing north and south. The residential structure that would be impacted the most is approximately two-hundred twenty (220) feet to the north of the proposed sign along Sunset Avenue.

In addition, internally illuminated signage on the subject site would not be a foreign element in the neighborhood. There are several internally illuminated signs located along Sunset Avenue, in front of the Lafene Health Center and fraternity houses, as well as to the west along Tecumseh and Wharton Road identifying the Riley County Health Department.

Considering that the existing internally illuminated sign has been in place on the subject site without any known complaints, the second sign is proposed to be set back fifteen (15) feet from the property line, and that both signs are separated from the surrounding residential properties by the streets abutting the subject site, minimal or no adverse effect on adjacent

properties is anticipated.

UNNECESSARY HARDSHIP FROM STRICT APPLICATION OF REGULATIONS:

Considering that Pawnee Mental Health Services is a healthcare institution, it is important that visible, easily identifiable signage be in place. The strict application of regulations would not allow the applicant to fulfill this need for a visible, aesthetically pleasing, and easily readable identification sign and would constitute an unnecessary hardship to both the applicant and the public at large.

The Riley County Health Department was granted a Variance to install two (2) new internally illuminated ground signs that were replacing existing internally illuminate ground signs. The Mercy Regional Hospital campus to the north also has internally illuminated ground signs along Sunset Avenue. It is unclear as to how these signs came to be internally illuminated. Prohibiting such an illumination characteristic would be a hardship to the applicant when a wide variety of internally illuminated signs are already present on properties with similar uses in the residential neighborhood.

EFFECTS ON PUBLIC HEALTH, SAFETY, MORALS, ORDER, CONVENIENCE, PROSPERITY, OR GENERAL WELFARE:

The effects on the health, safety, morals, order, convenience, prosperity, or general welfare of the neighborhood should be minimal. The proposed internally illuminated signage should have little or no negative effect on the public. The internally illuminated ground signs are more commercial in character, but have become a part of the character of the surrounding neighborhood, which is not a typical residential neighborhood. Within the neighborhood there are several fraternity houses, the Riley County Health Department and Mercy Regional Hospital campus, most of which have internally illuminated signage.

RELATIONSHIP TO INTENT OF REGULATIONS:

The intent of the Sign Regulations within residential districts is to limit the size, placement, number, and illumination characteristics so that residential properties are not negatively impacted.

The intent to limit signs to be only externally lit is of an aesthetic nature to maintain a residential character. Internally illuminated ground signs are more commercial in character but other internally illuminated ground signs can be found in the immediate area and have become a part of the character of the immediate neighborhood, which contains a wide variety of residential and institutional uses.

Lavis made a motion to approve VARIANCES from the terms of the Manhattan Zoning Ordinance of the City of Manhattan, Kansas, to allow for two separate internally illuminated ground signs to be located at 2001 Claflin Road along Sunset Avenue and additionally along Claflin Road in the R-3/U-O, Multi-Family Residential District with a University Overlay

District with the following conditions:

1. The Variances shall apply to the proposed signs as shown on the site plan and stated in the application documents.
2. All applicable permits shall be obtained.

Danner seconded the motion, which passed by a vote of 4-0.

Respectfully submitted by

Chase Johnson, Planning Intern